

**PLANNING BOARD  
TOWN OF MARILLA**

Date: March 22, 2007

Present: Nathan Barnard, Chairman  
Tom Wantuck, Co-Chairman  
Judy Gillman  
Rich Janiga  
Dan Handy  
Paul Domanowski  
Debbie Zimmerman

Barbara Spanitz, Town Board  
John Fronczek, CEO  
Bob Miller, Consult

Guests: George Gertz, John Schubert, Marsha Starch, James Thompson, Everett Hoffman

I. Nathan Barnard, Chairman, opened the Planning Board meeting at 7:00 p.m. **MOTION** to accept February minutes moved by Rich Janiga, seconded by Tom Wantuck. All in favor – 6 ayes.

II. Old Business

John Schenne was not present at the P.B. meeting. Councilman Barbara Spanitz stated a public hearing will be held on April 12, 2007, at 7:30 p.m. regarding the Rohl property. Nathan Barnard stated he did attend the last Town Board work session and everything seems to be moving along.

III. New Business

Everett Hoffman submitted a flag lot application for property located on Bullis Road. Everett Hoffman's mother owns the existing 35 acres of land and put in a 40 foot driveway and would like his mother to keep a piece of landlocked land for a garden. Nathan Barnard went over the checklist. The survey map needs to show the existing houses located near the driveway. Rich Janiga stated the flag lot application looks fine except for the question of the landlocked piece of land stating it creates two splits. Bob Miller suggested asking Town Attorney Nathan Neill. Dan Handy stated landlocked land is not illegal and suggested Mr. Hoffman include this piece in his flag lot and let his mother use the land. Mr. Hoffman stated his mother is not willing to do this. The P.B. suggested checking with the Assessor regarding the tax bill. Chairman Nathan Barnard suggested attending the April 26 P.B. meeting along with a completed checklist and survey.

John Schubert of 1487 Two Rod Road submitted a Petition for Rezoning. Mr. Schubert reported he spoke to neighbors Mr. Roland who does not want the driveway close to his property and Mr. Thompson who does not want any farm animals on his side of the property. Mr. Thompson stated that the church, library and a lot of houses drain on that side of Bullis Road. Mr. Schubert would like to build keeping the gravel site 100 feet and the building 150 feet from Mr. Roland's property. Judy Gillman mentioned a concern with commercial trucks because it is a residential area and questioned if a traffic study should be done. Mr. Schubert wants to construct a 160 x 160 gravel

driveway with a 15 x 96 shed containing lumber and plywood. Mr. Schubert spoke to the DEC stating they would be involved at the point of a drainage plan. Mr. Schubert presented a sketching of the proposed 32 x 78 building consisting of a retail store with hardware, paint, and tools. Rich Janiga would like to walk the proposed site. Dan Handy stated the P.B. should have a public hearing. Tom Wantuck asked Mr. Schubert if he thought of having the business located off of Two Rod Road near Mr. Schubert's home. This plan was discussed and the area was determined to be a flood plain. Bob Miller suggested taking the plan to his office to have someone look at it regarding drainage. Mr. Schubert does have a topographic map.

The Planning Board scheduled a public hearing for April 26, 2007, at 7:00 p.m. in the Community Center for the proposal of a lumber yard. Dan Handy suggested a Special Use Permit instead of rezoning. Bob Miller stated the P.B. can impose whatever conditions on it. Councilman George Gertz suggested if the property is rezoned to business and it was not developed into that business within a specific amount of time it would revert back to RR. Dan Handy and Nathan Barnard feel a Special Use Permit would be better. George commented if the land is developed and something goes wrong with the lumber yard, according to the Special Use Permit only a lumber yard could go there. Bob Miller will discuss the possibility of spot zoning with Nathan Neill. George suggested rezoning the whole area including the Thompson's house to business. Judy Gillman questioned if it would affect the Thompson's taxes. Bob Miller stated the Comprehensive Plan would need to be updated and then make your zoning compatible with the Comprehensive Plan which still raises the question of spot zoning.

IV. CEO Report

CEO John Fronczek reported the Rohl property has to file a preliminary plot application which is \$10 per lot for a subdivision and pay a fee of \$200 to hold the public hearing. The Town Board is holding a public hearing on April 12, 2007 at 7:30 p.m. to amend the B-1 zoning to reduce the setback off Clinton Street to 100 feet from the center line and the minimum lot square footage be 60,000 in lieu of 150 x 400.

V. Town Board

None.

VI. Open Presentations from the Floor

None.

VII. **MOTION** to adjourn at 8:44 p.m. moved by Dan Handy, seconded by Paul Domanowski, all in favor 7/0.

Respectfully submitted,

Laura Nuttle, Clerk